



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Alan Wilson  
Attorney General of South Carolina  
P.O. Box 11549  
Columbia, South Carolina 29211-1549

Dear Mr. Wilson:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

The EPA has issued a number of historic vehicle emission standards that will dramatically reduce GHG emissions, cut fuel costs for consumers, and reduce our nation's dependence on oil. The Obama Administration's three passenger vehicle regulatory programs — the 2011 CAFE standard, 2012-2016 GHG/CAFE standards, and the proposed 2017-2025 GHG/CAFE standards — will double vehicle fuel economy and reduce GHG emissions by one-half for new 2025 vehicles, relative to 2010 vehicles. Over time, they will reduce GHG emissions by 6 billion metric tons, save 12 billion barrels of oil, and provide consumers with \$1.7 trillion in fuel savings. In addition, GHG standards for 2014-2018 trucks and buses will save another 270 million metric tons of GHG emissions, 530 million barrels of oil, and \$50 billion in fuel costs.

Under the 2010 GHG air pollution permitting rule, known as the Tailoring Rule, virtually all states are taking action on their own or in cooperation with the EPA to ensure that permitting proceeds uninterrupted and smoothly. The EPA and the states have successfully incorporated GHG permitting into existing Clean Air Act permitting programs, and the Tailoring Rule has ensured that only the largest sources of GHG emissions need permits. Since the inception of GHG permitting in January 2011, 19 companies have received Clean Air Act Prevention of Significant Deterioration (PSD) permits that cover GHG emissions. Four of these permits were issued by the EPA. The GHG permits issued thus far have focused primarily on energy efficiency and other common sense approaches to address carbon pollution.

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I hope this information is useful. If you have further questions, please contact me, or your staff may call Anthony Raia in EPA's Office of Congressional and Intergovernmental Relation at (202) 566-2758.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gina McCarthy", with a large, sweeping flourish at the end.

Gina McCarthy  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Luther Strange  
Attorney General of Alabama  
501 Washington Avenue  
Montgomery, Alabama 36130-0152

Dear Mr. Strange:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Gina McCarthy  
Assistant Administrator





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WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable John J. Burns  
Attorney General of Alaska  
P.O. Box 110300, Diamond Courthouse  
Juneau, Alaska 99811-0300

Dear Mr. Burns:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Gina McCarthy  
Assistant Administrator



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WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Dustin McDaniel  
Attorney General of Arkansas  
323 Center Street, 200 Tower Building  
Little Rock, Arkansas 72201-2610

Dear Mr. McDaniel:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Gina McCarthy  
Assistant Administrator



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OFFICE OF  
AIR AND RADIATION

The Honorable Tom Horne  
Attorney General of Arizona  
1275 West Washington Street  
Phoenix, Arizona 85007

Dear Mr. Horne:

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Gina McCarthy  
Assistant Administrator





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WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Samuel S. Olens  
Attorney General of Georgia  
40 Capitol Square, SW  
Atlanta, Georgia 30334-1300

Dear Mr. Olens:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Leonardo M. Rapadas  
Attorney General of Guam  
287 West O'Brien Drive  
Hagatna, Guam 96910

Dear Mr. Rapadas:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Derek Schmidt  
Attorney General of Kansas  
120 S.W. 10th Avenue, 2nd Floor  
Topeka, Kansas 66612-1597

Dear Mr. Schmidt:

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Assistant Administrator





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WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable James D. "Buddy" Caldwell  
Attorney General of Louisiana  
P.O. Box 94095  
Baton Rouge, Louisiana 70804-40954

Dear Mr. Caldwell:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Bill Schuette  
Attorney General of Michigan  
P.O. Box 30212  
Lansing, Michigan 48909-0212

Dear Mr. Schuette:

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OFFICE OF  
AIR AND RADIATION

The Honorable Jon C. Bruning  
Attorney General of Nebraska  
P.O. Box 98920  
Lincoln, Nebraska 68509-8920

Dear Mr. Bruning:

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OFFICE OF  
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The Honorable Wayne Stenehjem  
Attorney General of North Dakota  
600 E. Boulevard Avenue  
Bismarck, North Dakota 58505-0040

Dear Mr. Stenehjem:

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I hope this information is useful. If you have further questions, please contact me, or your staff may call Anthony Raia in EPA's Office of Congressional and Intergovernmental Relation at (202) 566-2758.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, sweeping flourish at the end.

Gina McCarthy  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Michael DeWine  
Attorney General of Ohio  
30 E. Broad Street  
Columbus, Ohio 43266-0410

Dear Mr. DeWine:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Gina McCarthy  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable E. Scott Pruitt  
Attorney General of Oklahoma  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

Dear Mr. Pruitt:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Sincerely,

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Gina McCarthy  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable William H. Ryan, Jr.  
Acting Attorney General of Pennsylvania  
1600 Strawberry Square  
Harrisburg, Pennsylvania 17120

Dear Mr. Ryan:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Sincerely,

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Gina McCarthy  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Marty J. Jackley  
Attorney General of South Dakota  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501

Dear Mr. Jackley:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Gina McCarthy  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Greg Abbott  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear Mr. Abbott:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Gina McCarthy  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Mark L. Shurtleff  
Attorney General of Utah  
State Capitol, Room 236  
Salt Lake City, Utah 84114-0810

Dear Mr. Shurtleff:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Gina McCarthy  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Ken Cuccinelli  
Attorney General of Virginia  
900 East Main Street  
Richmond, Virginia 23219

Dear Mr. Cuccinelli:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Gina McCarthy  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Gregory A. Phillips  
Attorney General of Wyoming  
State Capitol Building  
Cheyenne, Wyoming 82002

Dear Mr. Phillips:

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Gina McCarthy  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 23 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Pam Bondi  
Attorney General of Florida  
The Capitol, PL 01  
Tallahassee, Florida 32399-1050

Dear Ms. Bondi:

Last year you and 21 of your colleagues in other states wrote to Administrator Lisa Jackson to express your concerns with the U.S. Environmental Protection Agency's greenhouse gas (GHG) regulations. We appreciate your views on this important matter. Now that more than a year has passed since EPA began to take regulatory actions to control GHG emissions, the Administrator asked that I update you on our progress.

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Sincerely,

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Gina McCarthy  
Assistant Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Washington, D.C. 20460

AUG 27 2013

OFFICE OF  
GENERAL COUNSEL

Attorney General Jon Bruning  
2115 State Capitol Building  
Lincoln, Nebraska 68509

Attorney General Bruning:

I have been asked to respond to the June 18, 2013 letter from you and twenty other Attorneys General to Acting Administrator Perciasepe regarding Notices of Intent (NOI) to sue filed with the Environmental Protection Agency on April 15 and 17, 2013. These NOIs allege a failure by the EPA to perform non-discretionary duties to promulgate standards of performance for greenhouse gas emissions from new electric generating units (EGUs) and to issue emission guidelines for existing units.

Thank you for your views on the merits of the allegations stated in the NOIs. I have directed my staff to consider the points raised in your letter in formulating a response to any future deadline suits that may arise from these NOIs. At this time, no lawsuit has been filed based on these NOIs. EPA is always open to meeting with stakeholders on environmental issues, and should lawsuits be filed regarding this matter, EPA would be happy to arrange a meeting to consider your views on issues raised by the litigation.

I want to assure you that EPA agrees that settlements should not be used to resolve or constrain the final substantive decisions that the agency makes in any rulemaking. EPA does not and will not commit in a settlement agreement or consent decree to any final, substantive outcome in a rulemaking or other decision making process.

Again, thank you for your letter and views. If you have any questions or wish to discuss this further, please contact me or have your staff contact Scott Jordan at (202) 564-7508.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Garbow", is written over a horizontal line.

Avi S. Garbow  
General Counsel





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 27 2014

OFFICE OF  
WATER

P. Clayton Eubanks  
Deputy Solicitor General  
Office of the Attorney General of Oklahoma  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Dear Deputy Solicitor General Eubanks:

Thank you for your February 28, 2014, letter to Administrator Gina McCarthy, which references the comments sent by the Attorney General of Oklahoma, Alabama, Nebraska, South Carolina, Michigan, Texas, and Wyoming regarding the EPA's draft Underground Injection Control (UIC) program guidance document pertaining to Geologic Sequestration (GS) in general, and the transitioning of Class II wells to Class VI wells, specifically. As the Director of the Office of Ground Water and Drinking Water, which oversees the Underground Injection Control Program, I have been asked to reply to this letter.

The Agency released the draft version of the Class II to Class VI transition guidance for a 75-day public comment period, to provide an opportunity for our stakeholders to submit comments regarding the draft guidance. We appreciate and will carefully consider the comments provided by the Attorney General addressing the authorities of the State Class II UIC Directors in managing their Class II programs and enhanced oil recovery (EOR) projects using carbon dioxide. The Agency is currently compiling and reviewing all of the comments received. The Agency will make the appropriate revisions to address issues raised by commenters before publishing a final document.

Please feel free to contact me if you have any questions on this important issue, or your staff may call Ronald Bergman, Division Director of the Drinking Water Protection Division at (202) 564-3823.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter C. Grevatt", is written over a horizontal line.

Peter C. Grevatt, Director  
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 27 2014

OFFICE OF  
WATER

P. Clayton Eubanks  
Deputy Solicitor General  
Office of the Attorney General of Oklahoma  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Dear Deputy Solicitor General Eubanks:

Thank you for your February 28, 2014, letter to Administrator Gina McCarthy, which references the comments sent by the Attorney General of Oklahoma, Alabama, Nebraska, South Carolina, Michigan, Texas, and Wyoming regarding the EPA's draft Underground Injection Control (UIC) program guidance document pertaining to Geologic Sequestration (GS) in general, and the transitioning of Class II wells to Class VI wells, specifically. As the Director of the Office of Ground Water and Drinking Water, which oversees the Underground Injection Control Program, I have been asked to reply to this letter.

The Agency released the draft version of the Class II to Class VI transition guidance for a 75-day public comment period, to provide an opportunity for our stakeholders to submit comments regarding the draft guidance. We appreciate and will carefully consider the comments provided by the Attorney General addressing the authorities of the State Class II UIC Directors in managing their Class II programs and enhanced oil recovery (EOR) projects using carbon dioxide. The Agency is currently compiling and reviewing all of the comments received. The Agency will make the appropriate revisions to address issues raised by commenters before publishing a final document.

Please feel free to contact me if you have any questions on this important issue, or your staff may call Ronald Bergman, Division Director of the Drinking Water Protection Division at (202) 564-3823.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter C. Grevatt", is written over a horizontal line.

Peter C. Grevatt, Director  
Office of Ground Water and Drinking Water



DEC - 4 2014



The Honorable Bill Schuette  
Attorney General, State of Michigan  
Post Office Box 30212  
Lansing, Michigan 48909

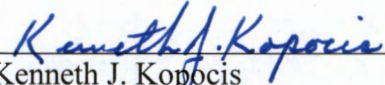
Dear Mr. Schuette:

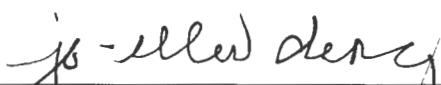
Thank you for your letter dated November 14, 2014, to the U.S. Environmental Protection Agency and the Department of the Army expressing comments regarding the proposed rule, "Definition of 'Waters of the United States' Under the Clean Water Act."

We appreciate the comments you have provided on our proposed rule. We are including your letter in the official docket for the proposed rule, identified by Docket ID EPA-HQ-OW-2011-0880 at <http://www.regulations.gov>. We will carefully consider your comments and all comments received on the proposed rule when deciding what changes to make to the final rule.

Thank you again for your letter. If you have further questions or concerns, please contact us, or your staff may contact Mr. John Goodin, Acting Director of the EPA's Wetlands Division at [Goodin.John@epa.gov](mailto:Goodin.John@epa.gov) or (202) 566-1373, or Mr. Chip Smith in the Office of the Assistant Secretary of the Army (Civil Works) at [charles.r.smith567.civ@mail.mil](mailto:charles.r.smith567.civ@mail.mil) or (703) 693-3655.

Sincerely,

  
Kenneth J. Kopocis  
Deputy Assistant Administrator for Water  
U.S. Environmental Protection Agency

  
Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
Department of the Army





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable E. Scott Pruitt  
Oklahoma Attorney General  
313 N.E. 21st. Street  
Oklahoma City, Oklahoma 73105

Dear Attorney General Pruitt:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. I appreciate the opportunity to be of service and hope this response has been helpful.

Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Patrick Morrissey  
West Virginia Attorney General  
1900 Kanawha Boulevard, East, Room 26  
Charleston, West Virginia 25305

Dear Attorney General Morrissey:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. I appreciate the opportunity to be of service and hope this response has been helpful.

Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Jon Bruning  
Nebraska Attorney General  
2115 State Capitol Building, P.O. Box 98920  
Lincoln, Nebraska 68509-8920

Dear Attorney General Bruning:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

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Janet G. McCabe  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Luther Strange  
Alabama Attorney General  
501 Washington Avenue  
Montgomery, Alabama 36130

Dear Attorney General Strange:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

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Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Pamela Bondi  
Florida Attorney General  
The Capitol, PL 01  
Tallahassee, Florida 32399

Dear Attorney General Bondi:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. I appreciate the opportunity to be of service and hope this response has been helpful.

Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Samuel S. Olens  
Georgia Attorney General  
40 Capitol Square SW  
Atlanta, Georgia 30334

Dear Attorney General Olens:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. I appreciate the opportunity to be of service and hope this response has been helpful.

Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Gregory F. Zoeller  
Indiana Attorney General  
302 West Washington Street, IGC-South  
Indianapolis, Indiana 46204

Dear Attorney General Zoeller:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. I appreciate the opportunity to be of service and hope this response has been helpful.

Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Derek Schmidt  
Kansas Attorney General  
120 South West 10th Street, 2nd Floor  
Topeka, Kansas 66612-1597

Dear Attorney General Schmidt:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

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Janet G. McCabe  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable James D. Caldwell  
Louisiana Attorney General  
P.O. Box 94095  
Baton Rouge, Louisiana 70804

Dear Attorney General Caldwell:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

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Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Tim Fox  
Montana Attorney General  
215 N. Sanders Street  
Helena, Montana 59601

Dear Attorney General Fox:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Wayne Stenehjem  
North Dakota Attorney General  
600 East Boulevard Avenue  
Bismarck, North Dakota 58505-0040

Dear Attorney General Stenehjem:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Mike DeWine  
Ohio Attorney General  
30 E. Broad Street, 14th Floor  
Columbus, Ohio 43215

Dear Attorney General DeWine:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

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Janet G. McCabe  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Alan Wilson  
South Carolina Attorney General  
P.O. Box 11549  
Columbia, South Carolina 29211-1549

Dear Attorney General Wilson:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Marty J. Jackley  
South Dakota Attorney General  
1302 East Highway 14  
Pierre, South Dakota 57501

Dear Attorney General Jackley:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

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Janet G. McCabe  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Bill Schuette  
Michigan Attorney General  
P.O. Box 30212  
Lansing, Michigan 48909

Dear Attorney General Schuette:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

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Janet G. McCabe  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Peter K. Michael  
Wyoming Attorney General  
123 State Capitol  
Cheyenne, Wyoming 82002

Dear Attorney General Michael:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 21 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Sean Reyes  
Utah Attorney General  
222 South Main Street, #500  
Salt Lake City, Utah 84101

Dear Attorney General Reyes:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

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Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator





General —

Thank you for your very kind  
note... It blessed me immensely.

Your friendship, too, blesses and  
encourages me and I am thankful  
for it. Goodspeed my friend!

Joe



**E. SCOTT PRUITT**  
**ADMINISTRATOR**

September 13, 2017

The Honorable Bill Schuette  
Attorney General of Michigan  
525 West Ottawa Street  
P.O. Box 30212  
Lansing, Michigan 48909

Dear Mr. Attorney General:

Thank you for your December 19, 2016, letter to Vice President Pence regarding jurisdiction under the Clean Water Act. I appreciate your interest in this important issue and regret the delay in responding to your letter.

Your letter urges the Administration to consider withdrawing or seeking remand of the Clean Water Rule that was promulgated in June 2015 and is currently stayed by the Sixth Circuit. The Administration has taken action to withdraw the rule. On June 27, 2017, the EPA and the Department of the Army proposed a rule to rescind the 2015 Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining the scope of the “waters of the United States.” This interim step, when finalized, is intended to provide certainty and consistency for the public as the agencies proceed with a second rulemaking to define the geographic scope of the Clean Water Act consistent with the Act and with Supreme Court decisions in *SWANCC* and *Rapanos*.

This proposed rule follows the February 28, 2017, Presidential Executive Order on “Reviewing the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.” The February Order states that it is in the national interest to ensure that nation’s navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty and showing due regard for the roles of Congress and the states.

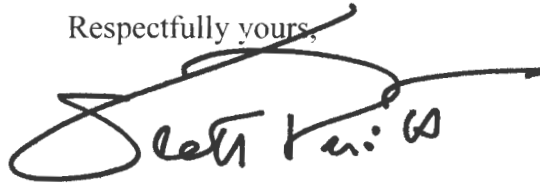
Your letter also expresses concerns about the balance between federal and state jurisdiction over water features. A key goal for the EPA as we work with the Army to revise the 2015 rule is to engage in a robust process of cooperative federalism. I have spoken with many of you about WOTUS and want to underscore that we continue to work with state and local partners to understand their perspectives on the proper jurisdictional boundaries of the Clean Water Act. We



have sought and received comments from the states and local governments and will consider that feedback carefully as we work to revise the rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Troy Lyons, EPA's Associate Administrator for the Office of Congressional and Intergovernmental Relations, at [lyons.troy@epa.gov](mailto:lyons.troy@epa.gov) or at (202) 564-5200.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, stylized loop at the beginning and a long horizontal stroke extending to the right.

E. Scott Pruitt





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

December 22, 2016

OFFICE OF  
AIR AND RADIATION

The Honorable Bill Schuette  
Michigan Attorney General  
G. Mennen Williams Building, 7<sup>th</sup> Floor  
525 W. Ottawa Street  
P.O. Box 30212  
Lansing, Michigan 48909

Dear Mr. Schuette:

Thank you for your letter dated December 9, 2016, to U.S. Environmental Protection Agency Administrator Gina McCarthy, regarding the Midterm Evaluation Proposed Determination. In your letter, you request that the EPA extend the comment period to at least March 15, 2017. The Administrator has asked that I reply on her behalf.

The EPA has considered your request, as discussed below. The EPA continues to believe that the Proposed Determination and the associated 30-day comment period remain appropriate and, therefore, the EPA is denying both the request for withdrawal and the request for an extension of the comment period. In summary, as discussed further below, the EPA regulations governing the Midterm Evaluation set forth a process where the EPA moves forward with a Proposed Determination on the appropriateness of the model year 2022-2025 (MY) greenhouse gas (GHG) emissions standards and only if the determination is that the standards should be changed, is the EPA required to conduct a rulemaking. The regulations make it clear that a Proposed Determination not to amend the MY2022-2025 standards is not a rulemaking. The analysis for the Proposed Determination is consistent with the analysis presented in the July 2016 Draft Technical Assessment Report (TAR), updated to reflect information we received through public comments, and is directly responsive to those comments. The EPA believes the comment period for the Proposed Determination is sufficient in light of the limited new data and information presented therein, and the extensive comments we received on the Draft TAR, which formed the technical underpinnings of the Proposed Determination. The Administrator has moved forward with the Proposed Determination based on an extensive technical record developed over several years of research, analysis, and public input, with the recognition that lead time and regulatory certainty are critical to the auto industry.

Your letter expressed concern that the EPA is not following the process envisioned for the Midterm Evaluation. The Midterm Evaluation process the EPA has followed, including the Proposed Determination and associated comment period, is fully consistent with the EPA regulations governing the Midterm Evaluation. The regulations at 40 CFR 86.1818-12(h)(2) specify that the determination shall be "based upon a record that includes the following:

- A draft Technical Assessment Report addressing issues relevant to the standard for the 2022 through 2025 model years;



- Public comment on the draft Technical Assessment Report;
- Public comment on whether the standards established for the 2022 through 2025 model years are appropriate under section 202(a) of the Clean Air Act; and
- Such other materials the Administrator deems appropriate.”

The EPA released the Draft TAR, jointly with the National Highway Traffic Safety Administration and the California Air Resources Board, in July 2016 and the Administrator has considered public comments on the Draft TAR in making her Proposed Determination that the standards remain appropriate under section 202(a) of the Clean Air Act. The EPA is now seeking public comment on the Proposed Determination, as required by the regulations.

The structure of the EPA Midterm Evaluation regulations also makes clear that a Proposed Determination not to amend the MY 2022-2025 standards is not rulemaking. The regulation states that “[i]f the Administrator determines that the standards are not appropriate, the Administrator shall initiate a rulemaking to revise the standards.” Section 86.1818-12 (h). The implication is that a decision not to amend is not rulemaking. The distinction between an action determining not to amend the standards and a rulemaking to change them is confirmed by the language of the 2012 preamble adopting that regulation, which states that “[i]f based on the evaluation, the EPA decides that the GHG standards are appropriate under section 202(a), the EPA will announce that final decision and the basis for EPA’s decision” but that “[w]here the EPA decides that the standards are not appropriate, the EPA will initiate rulemaking to adopt standards that are appropriate under section 202(a). . . .” 77 FR 62624, 62784 (Oct. 15, 2012). The EPA thus does not accept the argument that the Proposed Determination is the revision or promulgation of a Clean Air Act Section 202 standard.

With regard to coordination with the NHTSA and CARB, the EPA Midterm Evaluation regulation gives the EPA the exclusive authority to determine the appropriateness of EPA’s model year 2022-2025 greenhouse gas standards. While this is an EPA proposed decision, we consulted with our partners at NHTSA and CARB regarding its contents, and developed the Draft TAR, which serves as a technical underpinning of the Proposed Determination, jointly with NHTSA and CARB. This coordination is in keeping with maintaining a single national car program which, from the beginning, has been critically important to the automotive industry and something to which the EPA, NHTSA and CARB have been, and continue to be, fully committed.

Your letter mentions the finding from the EPA’s Proposed Determination that the average per vehicle cost of meeting the MY2025 standards is projected to be \$875. These costs are significantly less than the costs we had projected in 2012 when these standards were first established; at that time, we had projected an average per-vehicle cost increase of about \$1,100. Moreover, consumers will see a significant benefit from reduced gasoline expenditures. In the Proposed Determination, we estimate that consumers will save \$1,650 over the lifetime of a new MY2025 vehicle (compared to a vehicle meeting the MY2021 standards), even after the up-front vehicle costs are taken into account. For consumers who purchase a new MY2025 vehicle with a 5-year loan, the EPA projects in the Proposed Determination that they would see a positive payback in the first year of ownership, as monthly fuel savings outweigh the incremental increase in loan payment.

Again, thank you for your letter. I appreciate the opportunity to be of service and hope this response has been helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet G. McCabe".

Janet G. McCabe  
Acting Assistant Administrator



